IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4980 OF 2001.
IN
FIRST APPEAL NO. 1224 OF 2001.

M/s.Mahindra & Mahindra Ltd. ... Applicant.
Versus.
The Employees State Insurance Corporation and anr. ... Respondents.

Shri Amrut Mehta i/by M/s.Haresh Mehta & Co. for the Applicant.

Shri H.V.Mehta for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 16th January, 2007.

P.C.:

1. Heard the Advocate for the Applicant and the Advocate appearing for the 1st Respondent. An application under section 75 of the Employees' State Insurance Act, 1948 was filed by the Applicant for challenging the order under section 45-A of the said Act. The Application under section 75 of the said Act of 1948 has been rejected by the trial Court. After having failed before the trial Court, the Applicant cannot claim injunction restraining the 1st Respondent from recovering amount of demand under section 45-A of the said Act of 1948. The amount due and payable by the Applicant will have to be deposited with the 1st Respondent.

2. Hence the Civil Application is disposed of by the following order:

i) The entire balance amount payable as per the demand under section 45-A of the said Act of 1948 shall be deposited by the Applicant with the 1st Respondent within a period of two months from today. For a period of two months from today, no coercive steps shall be taken by the 1st Respondent against the Applicant on the basis of the non-compliance with the order under section 45-A of the said Act of 1948.

ii) It is obvious that the deposit of the amount by the Applicant with the 1st Respondent will be subject to final outcome of the Appeal. If the entire balance amount payable by the Applicant is not deposited by the Applicant within two months from today, the 1st Respondent will be at liberty to take appropriate steps for recovery of the balance amount.

iii) Civil Application is disposed of in the above terms with no order as to costs.

Judge.